

**REGULAR MEETING OF THE TOWNSHIP COUNCIL  
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY  
MAY 25, 2004**

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 7:17 p.m.

Mayor Levine read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meetings Act) had been met.

Everyone present participated in the Salute to the Flag and an invocation led by Councilman Chivukula.

**CALL TO ORDER**

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Mr. Chivukula, Ms. Danile, Ms. Eberle, Mayor Levine, Deputy Mayor McKenzie, Mr. Regan, Mr. Sumter, Mr. Unger.

Absent: No one.

Also Present: Louis N. Rainone, Esq., Township Attorney; Kenneth W. Daly, Township Manager; Ann Marie McCarthy, RMC, CMC, Township Clerk

**ADMINISTER OATH OF OFFICE**

Township Clerk Ann Marie McCarthy administered the oath of office to Teresa Danile as Council Member At-Large, filling the unexpired term of Councilman Bernard Schrum until November 2004.

**PROCLAMATION**

*Diana Herman*

Deputy Mayor McKenzie read the following proclamation, which was presented to Diana Herman by Ms. Ashley-Williams and Mayor Levine:

**WHEREAS, DIANA HERMAN** has been a resident of Franklin Township for nearly thirty-two (32) years and has served as a member of the Franklin Township Library Board of Trustees for twenty-seven and a half (27 ½) years; and

**WHEREAS**, during this tenure, Diana Herman has been an advocate for the Library by serving on the Library Board from the time Franklin Township was an Association Library, through the campaign and referendum to become a Municipal Library and as President of the Board at the time our present facility was planned and built; and

**WHEREAS**, over the years, in addition to serving as President, Diana Herman served as Secretary and Treasurer of the Franklin Township Library Board of Trustees; and

**WHEREAS**, during her last three (3) years as President, Diana Herman was proud to be involved in the planning and implementing of the Library expansion and looked forward to seeing it through completion;

**WHEREAS**, Diana's work on behalf of the Franklin Township Library has been a labor of love and she has enjoyed working with the staff, the Friends of the Library, the Board of Trustees and with all members of Council; and

**NOW, THEREFORE, WE, FRED A. MCKENZIE, DEPUTY MAYOR & WANDRA ASHLEY-WILLIAMS, COUNCILWOMAN** of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council, Library Board of Trustees, the Friends of the Library and residents of the Township, and the many residents who have enjoyed and benefited from Diana Herman's work on the Board, do hereby commend and thank **DIANA HERMAN** for her services to our community and do wish her success and happiness in all her future endeavors.

Ms. Ashley-Williams introduced January Adams, Library Director and thanked Ms. Adams, who was vital to the Township in obtaining a \$75,000 library grant from the Department of Community Affairs that will be used to reduce taxes.

Ms. Adams spoke of the work that Ms. Herman had accomplished while serving on the library Board. Ms. Herman expressed her gratitude for being honored by the Township Council and noted it is distressing that politics became part of her appointment to the Library Board.

### **MAYOR'S REPORT**

Mayor Levine reported on the following:

- His attendance at the ground breaking ceremony for Mary Kay.
- Mr. Chivukula attendance as a speaker at the Asian American Festival held at the Raritan Valley Community College.
- A conference call from the Governor regarding the appropriation of \$32 million for Homeland Security.
- June Meeting Schedule: Work Session – Tuesday, June 1<sup>st</sup> at 8:00 p.m. in the Municipal Building; Regular Meeting – Thursday, June 10<sup>th</sup> at 8:00 p.m. in the Municipal Building and the Combination Work Session/Regular Meeting – Thursday, June 24, 2004 at 9:00 a.m. at the Senior Citizen/Community Center.

### **DEPUTY MAYOR'S REPORT**

Deputy Mayor McKenzie reported on the following:

- Thanked Patriot Media for video recording tonight's meeting.
- Congratulated Ms. Danile on her appointment as Council Member At-Large.
- Gang Awareness Workshop held by the Franklin Township Youth Services Commission and noting it was very informative.
- Meeting with the Recreation Advisory Council regarding the utilization of the Kingston School.
- Appointments to the Senior Citizen Advisory Committee made at the May 11<sup>th</sup> meeting – Thomas Allaway – Regular Member of the Franklin Park Seniors and Rose Allaway – Alternate Member of the Franklin Park Seniors.

Mr. Chivukula announced that A1630 was passed on May 24, 2004. This legislation requires prosecutors to determine if a person charged with drunk driving or refusal to consent to a breathalyzer test is a repeat DWI offender. Under the provisions of the amended bill, the prosecutor is to contact the Motor Vehicle Commission by electronic or other means to obtain a driving abstract. It also requires the municipal court prosecutor to also transmit the abstract to the appropriate municipal judge prior to the imposition of sentence.

Mr. Chivukula reported there was various bills regarding ethics reform and important requirements for the Election Law Enforcement Commission were introduced on May 24, 2004.

### REVIEW OF PREPARED AGENDA

Mayor Levine led the following review of the prepared agenda:

Ordinance #3460: *Authorizing the Lease of certain Capital Equipment from the Somerset County Improvement Authority in the amount of \$522,206.*

Mr. Regan asked for clarification of the utility trucks. Mr. Daly replied that the three (3) trucks included in this lease were reviewed by Council last year and approved as part of the Capital Budget. Mr. Daly explained the type of trucks and what they were replacements for.

Ordinance #3468: *Accept Right-of-Way from Schofield – ZBA Docket No. 2003-1030 – 216 Weston Road, Block 512, Lots 12 & 13*

Mr. Regan asked for the need of Ordinance #3468. Mr. Daly replied it is required as part of the Zoning Board Decision regarding 216 Weston Road, Block 512, Lots 12 & 13.

Ordinance #3469: *Accept Quitclaim Deed for Bonner Property – Block 468.07, Lot 44.01 located on Cedar Grove Lane.*

Mr. Regan requested clarification on Ordinance #3469. Mr. Daly replied that the Township is required to revert ownership of the land back to the previous owner since it did not build a fire house on that property.

Resolution #04-229: *Authorize Refund of Water Overpayments*

Mr. Regan requested clarification of Resolution #04-229. Mr. Daly explained that the nursing homes were overcharges and this resolution authorizes crediting their accounts.

Resolution #04-230: *Authorize Refund of Tax Overpayments*

Mr. Regan requested clarification of Resolution #04-230. Mr. Daly explained that the auditor recommended this resolution and it authorizes the movement of payments from one fiscal year to another, which saves the Township processing a refund check.

Resolution #04-243: *Award Rental Contract to Dosch-King Co., for a hydrostatic chipper and operator from June 21, 2004 to June 25, 2004 in an amount not to exceed \$2,000 per day (total \$10,000.00).*

Mr. Regan requested clarification of Resolution #04-243. Mr. Daly explained the Township has fourteen (14) miles of rural roads, which the Department of Public Works spreads the oil onto, and the contractor spreads the chips onto the roads.

Resolution #04-258: *Affirm Township Council's position that the placement of a 122 foot wireless telecommunications facility at 3391 Rt. 27 – Block 20.02, Lot 14.01 (Stop and Shop) is not appropriate and call for alternate sites to be considered.*

Ms. Ashley-Williams made corrections to the aforesaid ordinance by deleting several paragraphs and adding one paragraph. The Township Council concurred with the amendments.

Resolution #04-239: Acceptance of Developers Agreement with Cal-Sterling Franklin LLC (Sterling Pointe) at Block 507, Lot 27 – Cedar Grove Lane/Weston Road.

Mr. Unger requested the removal of the aforesaid resolution from the consent agenda so it can be voted on separately. He stated the agreement will provide more traffic into an area that cannot handle it and he is not supporting this resolution. Mr. Regan stated that many meetings of the Open Space Advisory Committee were held discussing this matter and this is the best option. Mr. Daly stated that if the property was built as zoned there would be the same traffic impact and the corner would be built up. He added that the Shade Tree Commission and Open Space Advisory Committee were involved and were vital in saving many mature trees. Mr. Unger opined the Township should be tougher in regards to development, noting it does not look into long term traffic impact. He reiterated that he does not support it.

Resolution #04-240: Reject Bids for the Addition and Renovation of the Animal Shelter.

Mr. Chivukula asked what the next step is in the bidding process for the animal shelter. Mr. Daly replied they are meeting with the architect to adjust the specifications and plans and will rebid the project.

Resolution #04-250: Award Contract for Rescue Squad Services from July 1, 2004 to June 30, 2004 to Rural/Metro Ambulance. (Option A – Somerset/South Bound Brook - \$0 for 1<sup>st</sup> ambulance with option of 42,000 per month for 2<sup>nd</sup> ambulance.)

Mr. Chivukula commended Township Manager Kenneth Daly and Assistant Township Manager Donna Vieiro to their work in obtaining an ambulance at no cost.

Resolution #04-249: Award EUS Contract with Loos Consulting for Open Space Consulting Services from July 1, 2004 to June 30, 2005 at a rate of \$105 per hour, not to exceed \$50,000.

Mayor Levine commended John Loos for his open space work for the Township. Mr. Regan added that Mr. Loos is the architect of the open space program, noting he has vision as well as being realistic. Mr. Chivukula commended Phil Martin and others for this work in the Township's open space program.

## COUNCIL DISCUSSION ITEMS

### Water Tank/Cell Tower

Ms. Eberle reported that Council has received many letters from Beacon Hill Residents opposing the placement of cellular antennas on the water tower. As a result, Ordinance #3471 is scheduled for introduction and passage on first reading tonight. Ordinance #3471 repeals Ordinances #3431 and #3432, which authorize the acquisition and condemnation of the land underneath the water tower. Ms. Ashley-Williams added her support of Ordinance #3471 because she also lives in Beacon Hill.

### Request of Release of Deed Restriction (152 Gold Street)

Mr. Daly explained Council previously denied this request, but the property owners requested a chance to be present and state their case.

The property owners were not present and the matter was not discussed.

### Request of Waiver of Water Meter Connection Fees (Somerset County Action Program)

Mr. Daly reviewed the financial information received from the Somerset County Action Program. He stated that it is a worthy cause, however waiving the fees would set a precedent and therefore he affirms his recommendation to deny the request.

Mr. Rainone explained the water connection fees and how they are calculated. Mr. Daly added they are calculated by the auditor each year, noting the fees will be lower this year as a result of the Township's new computerized meter system.

Both Mr. Chivukula and Mr. Sumter noted that the program is a worthy cause and the request should be considered. Mr. Daly stated he would speak with the program director regarding the new rates.

**Change Time of June 24, 2004 Meeting from 8 AM to 9 AM.**

Ms. Eberle announced the senior citizens would be grateful if the meeting time was changed from 8 am to 9 am. The change would allow for more senior citizens to attend. Ms. Ashley-Williams expressed her opposition to the change in time because it would cause her to get to work later. Deputy Mayor McKenzie stated it is important to accommodate the request and noted he doesn't mind using a half day of vacation in order to attend. Mr. Chivukula stated he would make adjustments in his schedule for the senior citizens.

**APPROVAL OF MINUTES**

**Work Session of May 4, 2004 and Regular Meeting of May 11, 2004**

Deputy Mayor McKenzie moved to approve the minutes of the May 4, 2004 Work session and the May 11, 2004 Regular Meeting. Mr. Sumter seconded the motion.

The minutes of the May 4, 2004 Work session and the May 11, 2004 Regular Meeting was approved as submitted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula		Danile	
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

**WARRANTS**

Read by Mayor Levine:

1	Current	10,272,126.29
5	Water Operating	326,796.37
4	General Capital	360,424.62
15	General Trust	27,183.75
18	Self Insurance Trust	893.62
21	Recreation Trust	3,235.22
12	Open Space Trust	4,591.40
2	Grant	7,859.46
17	Workers' Compensation	484.04
29	Unemployment Trust	4,794.25
3	Collector Trust	93,265.52
14	Dog Revenue	519.05
22	Payroll	270,358.20
23	Agency	252,786.16
	SUB-TOTAL	11,625,317.95
	Escrow Account	64,022.75
	GRAND TOTAL	11,689,340.70

Motion was made by Deputy Mayor McKenzie and seconded by Mr. Chivukula to approve the Warrants.

Ms. Ashley-Williams requested improved descriptions on the bill list in the future.

Township Clerk McCarthy polled the Mayor and Council, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			
Danile	Eberle			
Levine	McKenzie			
Regan	Sumter			
Unger				

Motion was carried.

### ORDINANCES, PUBLIC HEARING

#### Ordinance No. 3458

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING DEED OF AGRICULTURE EASEMENT AND EXTINGUISHMENT OF DEVELOPMENT RIGHTS.**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			
Danile	Eberle			
Levine	McKenzie			
Regan	Sumter			
Unger				

#### Ordinance No. 3459

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM THE WOODLANDS AT SOMERSET, LLC OF A DRAINAGE AND ACCESS EASEMENT FOR LOTS 3.14 AND 3.15 IN BLOCK 508.02**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Mr. Sumter seconded said motion.

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			
Danile	Eberle			
Levine	McKenzie			
Regan	Sumter			
Unger				

**Ordinance No. 3460**

Mayor Levine offered the following ordinance:

**ORDINANCE AUTHORIZING THE LEASE OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF FRANKLIN, NEW JERSEY FROM THE SOMERSET COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO.**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

John McConville, 5 Stone Leigh Way, asked if the total amount included the interest rate. Mr. Daly replied it is only the principal. Mr. Daly explained as soon as he has the interest rate information, he would contact Mr. McConville.

There being no further comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			
Danile	Eberle			
Levine	McKenzie			
Regan	Sumter			
Unger				

Ordinance No. 3461

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF  
FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY –  
CHAPTER 75 – ALCOHOLIC BEVERAGES, SECTION 75-9, FEES.**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Unger and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			
Danile	Eberle			
Levine	McKenzie			
Regan	Sumter			
Unger				

Deputy Mayor McKenzie asked what the license fees were prior to this increase. Township Clerk Ann Marie McCarthy replied plenary retail consumption and distribution licenses were \$2,000 and are now increased to \$2,500 and club licenses were \$150 and are now increased to \$188.

**PUBLIC DISCUSSION**

A motion was made by Mr. Regan and seconded by Mr. Sumter to open the meeting to the public. Said motion carried unanimously upon voice vote.

George Feras, 2 Meadow Hills Drive, submitted a petition request a speed bump on Rolling Hills and Meadow Hill Roads to slow traffic over 25 mph. The Township Clerk was directed to provide a copy of the petition to Council and the Township Manager.

Tom Calu, 23 Topaz Drive, spoke as the State expert on the Telecommunications Act and stated that it is a misuse of eminent domain to take land for cellular towers. Mayor Levine stated that there is an ordinance scheduled to be introduced tonight to repeal the ordinance authorizing acquisition and condemnation of the land under the water tower. The public hearing is scheduled for June 24, 2004.

Ms. Eberle stated that no action has been taken to start eminent domain proceedings. The ordinance to repeal said ordinance is scheduled for introduction this evening and scheduled the public hearing for June 24, 2004.

Mr. Daly added there is a resolution opposing the cellular tower behind the Stop and Shop on Route 27 also on tonight's agenda.

Hany Salib, 11 Cobbler Circle, represented 120 residents who signed a petition in support of the ordinances authorizing the acquisition of the land under the water tower. He reiterated his support of said ordinances. He opposed the repealing of these ordinances because that would leave the decision of the location of the cellular tower with Omnipoint. Ms. Eberle stated the resolution directs Omnipoint to investigate alternate sites for the cellular tower.

Mr. Salib asked for clarification of the result of the repealing of the two ordinances and the adopted of the resolution. Mr. Rainone stated the ordinances are in the process of being repealed and the zoning application is proceeding forward. He stated the resolution is only an opinion of the Township Council to the Zoning Board of Adjustment. The jurisdiction of the Omnipoint application rests in the hands of the Zoning Board of Adjustment.

Deputy Mayor McKenzie explained the residents of Beacon Hill were not at the first meeting and when they came to a meeting, they raised other issues. He stated the Township doesn't need two neighborhoods fighting and other locations for the cellular tower and/or antennas needs to be investigated.

Mr. Salib expressed his opposition of the courts deciding where the cellular tower should be located. The location of the cellular tower should be with the Township. He expressed his disappointment of the repealing of the two ordinances.

Mark Fleming, 4 Topaz Drive, submitted additional petitions opposing the placement of cellular antennas on the water tower. He applauded Council's decision to repeal the ordinances.

At this time, Mr. Chivukula left the meeting.

Mr. Calu, 23 Topaz Drive, continued his explanation of how the acquiring of land through condemnation for cellular towers is not a matter for eminent domain.

Lucretia Corteylou, 1892 Amwell Road, expressed her opposition of how open space funds are spent on maintenance. She stated she has reviewed the original ordinance. She stated she is not opposed to open space for recreational purposes. She stated Council and the Open Space Advisory Committee are making costly decisions without public input. She requested that the open space tax be placed on the ballot regarding what it should be spent on and whether a five year moratorium is needed.

Philip Kramer, 429 Canal Road, TUF, commended Council to wait to vote on the sign amendment ordinance until further adjustments are made. Mr. Kramer spoke on the Animal Shelter bids, expressing that he never opposed the animal shelter, but is concerned with the amount of money being spent on it.

Arthur Davis III, Beacon Hill, expressed his support of the repealing of the two ordinances regarding the acquisition of the land under the water tower. He expressed his sympathy to the other neighborhood. He encouraged Council to exhaust all efforts to find a better location. He expressed his concern of the process of shifting the responsibility from the Township Council to the Zoning Board of Adjustment.

John McConville, 5 Stone Leigh Way, thanked Council for having the addresses on the agenda and thanked Mr. Regan for asking questions. He agreed with Mr. Unger that Cedar Grove Lane cannot handle anymore traffic.

Mr. McConville requested clarification of the lease with Middlebush Farms. Mr. Daly replied the Township is leasing the maintenance of the two open space tracts to Middlebush Farms, which produces a saving to the Township.

Mr. McConville questioned the janitorial services contract. Mr. Daly replied the contract provides services to the Public Safety Building, Senior Citizen/Community Center, Public Works Building and the Health Building.

Mr. McConville expressed his opinions regarding the repealing of the two water tower ordinances and the open space program.

Harold Leventhal, 360 DeMott Lane, expressed his anger and frustration of the bias against senior housing. He asked the public and Council to contact the Planning Board and tell them of the need of additional senior housing.

Robert Mettler, 2303 Amwell Road, stated this would be discussed further at a Planning Board and noted the Planning Board is not against senior citizens or housing.

A motion was made by Deputy Mayor McKenzie and seconded by Mr. Sumter to close the public discussion portion of the meeting. Said motion was carried unanimously upon voice vote.

### COUNCIL COMMENTS

Mr. Unger asked everyone to remember those who gave their lives for this country on Memorial Day.

Mr. Regan reported that he, Ms. Ashley-Williams and Mr. Chivukula attended the Middlebush Fire Department wet down and asked everyone not to forget those who volunteer in the Township. Mr. Regan addressed an anonymous threatening letter sent to him regarding the water tower ordinances. He asked the author of the letter to take courage and make himself known.

Ms. Danile thanked everyone for attending the meeting and expressed her desire to see more people attend meetings regularly. Ms. Danile spoke as a member of the Open Space Advisory Committee, stating the Township preserved some land and limited some sprawl. It is the Open Space Advisory Committee's responsibility to oversee how the money is spent. The funds expended were kept to a minimum. She stated that bonding was needed because the tax was not enough to buy land. If the Township does not buy land, it will be eventually sold to developers. She stated the Open Space Advisory Committee is working hard to preserve lands and spend the open space funds wisely.

Ms. Eberle stated it is distressing to have two neighborhoods fighting against one another. She stated it is one township and we should be working together and helping each other to find the right answer to this issue and other issues. She stated she represents the First Ward and each neighborhood is precious. She urged everyone to attend the Zoning Board of Adjustment Meeting to express their views together.

Ms. Ashley-Williams announced the library expansion has started and asked for patience during the times the library may be required to be closed.

Ms. Ashley-Williams announced that a major supermarket has signed a lease in the Gateway Redevelopment Area.

Ms. Ashley-Williams announced she will be holding office hours on Mondays from 5:30 to 7:30 p.m. in the Township Council office. She asked that those who want to meet with her to please make an appointment.

Ms. Ashley-Williams spoke on an anonymous letter that was sent to the Mayor and some (not all) Council members. She stated the threatening letter was not necessary and inappropriate. She asked the author to make themselves known and speak to her personally.

Mr. Sumter commended Ms. Eberle and Ms. Ashley-Williams for fighting hard against the water tower ordinances. He commended Ms. Danile for her comments on open space.

Deputy Mayor McKenzie stated Council needs to find a location for the cellular tower where there would be a minimal impact to the residents.

Mayor Levine stated he received the anonymous letter also. He stated this matter may not have a win-win solution, but Council will try their hardest to resolve this matter. He announced that the Memorial Day Parade is Saturday at 11 a.m. He noted he also attended the fire dedication and it is great to support our volunteers.

**INTRODUCTION OF ORDINANCES**

**Ordinance No. 3468**

Mayor Levine presented the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM THE KEVIN AND KATHERINE SCHOFIELD OF A RIGHT-OF-WAY EASEMENT FOR LOT 12.01 IN BLOCK 512** which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 24, 2004.

The aforesaid ordinance was moved by Mr. Sumter and seconded by Mr. Regan. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Danile			Chivukula
Eberle	Levine			McKenzie
Regan	Sumter			
Unger				

**Ordinance No. 3469**

Mayor Levine presented the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM TEN MILE RUN DEVELOPERS, LLC OF THREE (3) DRAINAGE EASEMENTS AND ONE (1) DEED DEDICATION FOR BLOCK 20.12, LOTS 44.01, 45 AND 46** which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 24, 2004.

The aforesaid ordinance was moved by Ms. Ashley-Williams and seconded by Mr. Regan. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Danile			Chivukula
Eberle	Levine			McKenzie
Regan	Sumter			
Unger				

**Ordinance No. 3470**

Mayor Levine presented the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING QUITCLAIM DEED – CONVEYANCE OF PROPERTY KNOWN AS BLOCK 468.07, LOT 44.10 FROM TOWNSHIP OF FRANKLIN TO THE CORELLA A. AND BERTRAM F. BONNER FOUNDATION (BONNER PROPERTIES,**

INC.) which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 24, 2004.

The aforesaid ordinance was moved by Mr. Sumter and seconded by Mr. Regan. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Danile			Chivukula
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

**Ordinance No. 3471**

Mayor Levine presented the following ordinance:

**AN ORDINANCE TO REPEAL ORDINANCE NO. 3431 ENTITLED "AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, 0.703 ACRE PORTION OF BLOCK 34.09, LOT 59.02 – VLIET ROAD FOR PURCHASE OF LAND UNDER WATER TANK" AND ORDINANCE NO. 3432 ENTITLED "CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF A UTILITY EASEMENT ON BLOCK 34.09, LOT 59.02, IN AND BY THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$65,000 THEREFOR FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP TO PAY THE COST THEREOF" which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 24, 2004.**

The aforesaid ordinance was moved by Ms. Eberle and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle		Ashley-Williams	Chivukula
Levine	Regan			McKenzie
Sumter	Unger			

**CONSENT AGENDA**

Upon motion by Mr. Sumter, seconded by Ms. Eberle, the following Consent Agenda Items (a – hhh, remove l) were adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Danile			Chivukula
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

**Resolution #04-228:** Authorize Tax Title Lien Redemption – Outside Buyer.

**WHEREAS**, at a sale of land for delinquent taxes and all liens held by the Collector of Taxes of Franklin Township, Somerset County, various blocks and lots were sold to the following persons; and

**WHEREAS**, said property and/or liens have been redeemed by the owners thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption in the following specific amount;

**NOW, THEREFORE, BE IT RESOLVED** that the amounts covering the certificates of sale, together with all the charges due the said individuals at the time of redemption be and the same are hereby ordered refunded to the said individuals, and the proper officials of the Township of Franklin, Somerset County, New Jersey are hereby authorized and empowered to execute a voucher to the said individuals in the following amounts:

**Date of Sale:** June 10, 2003  
**Block/Lot:** 20.03/9.03 C2206  
**Name & Address:** Scott, Easa  
 70 Arthur Glick Boulevard Franklin Park NJ 08823  
**Amount:** \$778.42  
**Make Check Payable To:** James Pilewski  
 3 Devon Lane Warren NJ 07059  
**Certificate No.:** 03-009  
**Payment Received:** April 27, 2004

**Date of Sale:** June 10, 2003  
**Block/Lot:** 34.05/52.05 C0103  
**Name & Address:** Sanders, Malik  
 20-103 DeLar Parkway Franklin Park NJ 08823  
**Amount:** \$505.52  
**Make Check Payable To:** Ding Huang & Yi Ma  
 251 Woodside Lane Bridgewater NJ 08807  
**Certificate No.:** 03-024  
**Payment Received:** April 27, 2004

**Date of Sale:** June 7, 2001  
**Block/Lot:** 89.01/1.01 C1002  
**Name & Address:** Balachandra, A.  
 3 Clyde Road Somerset NJ 08873  
**Amount:** \$2,094.63  
**Make Check Payable To:** James Pilewski  
 3 Devon Lane Warren NJ 07059  
**Certificate No.:** 01-155  
**Payment Received:** May 10, 2004

**Date of Sale:** June 7, 2001  
**Block/Lot:** 89.01/1.01 C1004  
**Name & Address:** Balachandra, A.  
 3 Clyde Road Somerset NJ 08873  
**Amount:** \$877.57  
**Make Check Payable To:** James Older  
 87 East Mountain Road Hillsborough NJ 08844  
**Certificate No.:** 01-116  
**Payment Received:** May 10, 2004

**Date of Sale:** June 10, 2003  
**Block/Lot:** 161/41  
**Name & Address:** Grey, Mark & Bonita  
 57 Eugene Avenue Somerset NJ 08873  
**Amount:** \$1,303.03  
**Make Check Payable To:** Ding Huang & Yi Ma  
 251 Woodside Lane Bridgewater NJ 08807  
**Certificate No.:** 03-097  
**Payment Received:** April 27, 2004

**Date of Sale:** June 13, 2002  
**Block/Lot:** 248/34

**Name & Address:** Egemba, C. & Ezekewu, J.  
 94 Rodney Avenue Somerset NJ 08873  
**Amount:** \$2,988.73  
**Make Check Payable To:** James Pilewski  
 3 Devon Lane Warren NJ 07059  
**Certificate No.:** 020124  
**Payment Received:** April 27, 2004

**Date of Sale:** June 10, 2003  
**Block/Lot:** 272/7  
**Name & Address:** Maroun, Nassif & Nawai  
 155 Arlington Avenue Somerset NJ 08873  
**Amount:** \$999.25  
**Make Check Payable To:** James Pilewski  
 3 Devon Lane Warren NJ 07059  
**Certificate No.:** 03-157  
**Payment Received:** April 27, 2004

**Date of Sale:** June 8, 2000  
**Block/Lot:** 287.01/46  
**Name & Address:** Bell, Howard & Jen  
 142 Rogers Avenue Somerset NJ 08873  
**Amount:** \$16,195.03  
**Make Check Payable To:** Plymouth Financial Company  
 PO Box 2288 Morristown NJ 07962-2288  
**Certificate No.:** 20-77  
**Payment Received:** May 7, 2004

**Date of Sale:** June 13, 2002  
**Block/Lot:** 287.01/46  
**Name & Address:** Bell, Howard & Jen  
 142 Rogers Avenue Somerset NJ 08873  
**Amount:** \$25,288.48  
**Make Check Payable To:** American Tax Funding  
 PO Box 862658 Orlando FL 32888-2658  
**Certificate No.:** 020134  
**Payment Received:** May 7, 2004

**Date of Sale:** June 10, 2003  
**Block/Lot:** 301/4.01  
**Name & Address:** Phillips, Paul R.  
 190 Girard Avenue Somerset NJ 08873  
**Amount:** \$567.53  
**Make Check Payable To:** Elliot Loeb Keogh Plan  
 1 Lakeview Road Saratoga Springs NY 12866  
**Certificate No.:** 03-170  
**Payment Received:** April 27, 2004

**Date of Sale:** June 10, 2003  
**Block/Lot:** 321/19.01  
**Name & Address:** Calvo, Vincent & Pat  
 PO Box 303 Somerset NJ 08873  
 (For 18 Irvington Avenue)  
**Amount:** \$17,660.36  
**Make Check Payable To:** Wachovia Cust for Phoenix  
 123 South Broad Street, PA1328P Philadelphia PA 19109  
**Certificate No.:** 03-176  
**Payment Received:** April 27, 2004

**Date of Sale:** June 8, 2000  
**Block/Lot:** 338/1  
**Name & Address:** McKnight, Donovan  
 3 Freeman Road Somerset NJ 08873  
**Amount:** \$2,317.93  
**Make Check Payable To:** James Pilewski  
 3 Devon Lane Warren NJ 07059  
**Certificate No.:** 20-196  
**Payment Received:** May 7, 2004

**Date of Sale:** June 13, 2002  
**Block/Lot:** 37.02/3.01 C0038  
**Name & Address:** Boccarrato, Michael  
 11 Talbot Street Somerset NJ 08873  
**Amount:** \$20,910.87  
**Make Check Payable To:** Wachovia Cust for Phoenix  
 123 South Broad Street, PA1328P Philadelphia PA 19109  
**Certificate No.:** 020038  
**Payment Received:** April 29, 2004

**Date of Sale:** June 10, 2003  
**Block/Lot:** 130/20  
**Name & Address:** Walker, E. & Gayle, E.  
 188 Ward Place Piscataway, NJ 08854  
 (For 805 Somerset Street)  
**Amount:** \$778.17  
**Make Check Payable To:** Fernwood Funding  
 92 Main Avenue Wallington, NJ 07057  
**Certificate No.:** 03-078  
**Payment Received:** May 3, 2004

**Resolution #04-229:** Authorize Refund of Water Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue, refunds due, resulting from Water Overpayments; and

WHEREAS, the overpayment will be refunded or transferred to the next fiscal year;

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer of the Township of Franklin, Somerset County, be instructed to draw checks in the amounts covering the overpayments and to deliver said checks to the proper persons.

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
386.07/53.018001	TOWNSHIP OF FRANKLIN	Fire Service	998.80
386.07/53.019001	475 DeMott Lane	To Water	1,503.18
386.07/54.038001	Somerset NJ 08873		1,965.20
386.07/54.039001			1,703.28
386.07/55.018001			997.44
386.07/55.019001			1,501.15
468.10/6/2		Should be	25.00
468.11/10.01		Final Fee	25.00
468.10/6/2	PRO SYSTEMS USA Cokesbury Road Industrial Park, Suite 17 Lebanon NJ 08833	Water Overpayment	80.78

468.11/10.01	FIRST INDUSTRIAL PO Box 600 Pine Brook NJ 07058	Water Overpayment Previous Estimates	2,387.80
507/65.01 020184W	AMERICAN TAX FUNDING PO Box 862658 Orlando FL 32888/2658	Wire Service Cancelled Refund Lienholder	672.42

**WHEREAS**, refunds are to be made to the persons who have made such overpayments;

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer of the Township of Franklin, County of Somerset and State of New Jersey be instructed to draw checks in the amounts covering the overpayments and to deliver such checks to the proper person.

**Resolution #04-230:** Authorize Refund of Tax Overpayments.

**WHEREAS**, there appears on the books of the Collector of Revenue, refunds due, resulting from Tax Overpayments; and

**WHEREAS**, refunds are to be made to the persons who have made these overpayments;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Treasurer of the Township of Franklin, Somerset County, be instructed to draw checks in the amounts covering the overpayments and to deliver said checks to the proper persons.

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
20.10/11.02	TOWNSHIP OF FRANKLIN	'3/04	143.35
C3107	475 DeMott Lane Somerset NJ 08873	'2/04	2,121.43
417.02/365		'3/04	2.77
37.02/3.01	TRUST CO OF NJ	2/04	829.17
C0014	PO Box 6762 Jersey City NJ 07306		
57.01/33.04	JIGNESH D. PRAJAPATI	'1/04	1,315.88
C0804	49 Gallop Lane Somerset NJ 08873	'3/04	16.27
85/56.03	RACHEL & ADAM VAN WAGNER	3/04	1,115.99
C0264	264 Kingsberry Drive Somerset NJ 08873		
247/27	CHICAGO TITLE INSURANCE CO	'3/04	939.91
	2446 Church Road Toms River NJ 08753		
259/67.01	FRANK H. CIPOT & ROBERT M. SUTTON	2/04	1,823.69
	11 Highwood Road Somerset NJ 08873		
386.10/87	JUMAN & JUMAN TRUST ACCOUNT	'3/04	844.30
	1981 Highway 27 Edison NJ 08817		
424.02/11.117	GREG AIELLO	'3/04	1,312.32
	113 Sunnyvale Court Somerset NJ 08873		
417.01/22.23	GUILLERMO, MEDRANO-DELUNA & ELISA C.	'3/04	2,168.22
	13 Gauguin Way Somerset NJ 08873		
386.17/19	GMAC MORTGAGE CORP.	'1/04	1,327.90
	ATTN: TAX REFUNDS		
	PO Box 270 Waterloo IA 50704		

**Resolution #04-231:** Authorize Issuance of Raffles Licenses.

**WHEREAS**, the following have made application to the Township of Franklin, Somerset County, for a Raffle/Bingo License; and

**WHEREAS**, said applications have been presented to the Mayor and the Chief of Police for Findings and Determinations; and

**WHEREAS**, the Clerk has reported that the proper fees have been paid;

**NOW, THEREFORE, BE IT RESOLVED** that the Clerk be instructed to issue a **RAFFLE/BINGO LICENSE** to the following:

<u><b>NAME OF ORGANIZATION</b></u>	<u><b>DATE OF RAFFLE/BINGO</b></u>
New Jersey Right to Life Committee 113 North Avenue West, Cranford, NJ 07016-2167 Off-Premise Raffle – RL#1437 Drawing: Holiday Inn, Somerset	November 19, 2004 7:00 pm – 10:00 pm
The Metuchen Congregation of the Oratory of St. Philip Neri 2301 Route 27, Somerset, NJ 08873 On-Premise Raffle – RL#1438 Drawing : Bunker Hill Golf Course	September 24, 2004 6:00 am – 3:00 pm
Mobilization for Animal Rights, Inc. Bergen Cty. Community Services Building 327 E. Ridgewood Ave., Paramus, NJ 07652 Off-Premise Raffle – RL#1439 Drawing: Garden State Exhibit Center	July 18, 2004 9:00 am – 4:00 pm
St. Sharbel Maronite Catholic Church 526 Easton Avenue, Somerset, NJ Non-Draw Raffle – RL#1440  On-Premise Raffle – RL#1441  Drawings : 526 Easton Avenue, Somerset	June 25-27, 2004 6:00 pm – 10:00 pm June 27, 2004 10:00 pm

**Resolution #04-232:** Authorize Release of Planning/Building Review Escrows.

**WHEREAS**, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-29 of the Code of the Township of Franklin; and

**WHEREAS**, the project has been completed and the Township Engineer has certified to the Township Clerk the amount of money charged against the escrow and has recommended that the balance remaining as set forth be returned to the applicant:

<b>APPLICANT:</b>	<b>FIRST INDUSTRIAL REALTY TRUST, INCORPORATED</b>		
ADDRESS:	Attn: Pamela Barrows, 200 Philips Road	Exton PA 19341	
DOCKET NO:	PLN2001-0011	Plan Review	
BLOCK/LOT:	468.08/2.03	LOCATION:	142 Pierce Street
AMOUNT DEPOSITED:	\$12,500.00		
AMOUNT CHARGED:	< 6,132.50 >		
AMOUNT TO BE REFUNDED:	\$ 6,367.50		

<b>APPLICANT:</b>	<b>FIRST INDUSTRIAL REALTY TRUST, INCORPORATED</b>		
ADDRESS:	Attn: Pamela Barrows, 200 Philips Road	Exton PA 19341	
DOCKET NO:	PLN2003-0020	Plan Review	
BLOCK/LOT:	468.08/2.03	LOCATION:	142 Pierce Street
AMOUNT DEPOSITED:	\$10,000.00	CME	\$2,500.00 Heyer

AMOUNT CHARGED:	<u>6,509.25</u>	<u>1,300.00</u>
AMOUNT TO BE REFUNDED:	\$ 6,367.50	\$1,200.00

**APPLICANT:** JAMM REALTY CORPORATION/KF SCHOOLHOUSE, LLC  
**ADDRESS:** 520 US Highway 22 PO Box 6872 Bridgewater NJ 08807  
**DOCKET NO:** P2000069HSD Monument Escrow  
**BLOCK/LOT:** 514/6 **LOCATION:** Schoolhouse Road  
**AMOUNT TO BE REFUNDED:** \$1,000.00

**APPLICANT:** KF SCHOOLHOUSE, LLC  
**ADDRESS:** 520 US Highway 22 PO Box 6872 Bridgewater NJ 08807  
**DOCKET NO:** PLN2002-0022 Plan Review  
**BLOCK/LOT:** 514/6.03 **LOCATION:** 80 Schoolhouse Road  
**AMOUNT DEPOSITED:** \$2,500.00 Heyer \$10,000.00 School DePalma  
**AMOUNT CHARGED:** 1,100.00 2,246.50  
**AMOUNT TO BE REFUNDED:** \$1,400.00 \$ 7,753.50

**APPLICANT:** EASTERN HILL, LLC (PADDOCK ESTATES)  
**ADDRESS:** 1065 Route 22 West Bridgewater NJ 08807  
**DOCKET NO:** PLN2001-0023 Plan Review  
**BLOCK/LOT:** 423.01/17.01 **LOCATION:** Wilson Road  
**AMOUNT DEPOSITED:** \$10,000.00  
**AMOUNT CHARGED:** 7,874.75  
**AMOUNT TO BE REFUNDED:** \$ 2,125.25

**APPLICANT:** LANFRIT HOLDING COMPANY, LLC  
**ADDRESS:** 428 Elizabeth Avenue Somerset NJ 08873  
**DOCKET NO:** P97043PD Inspection Fees  
**BLOCK/LOT:** 523.03/13-28 **LOCATION:** 428 Elizabeth Avenue  
**AMOUNT DEPOSITED:** \$4,056.00  
**AMOUNT CHARGED:** 700.00  
**AMOUNT TO BE REFUNDED:** \$3,356.00

**APPLICANT:** LANFRIT HOLDING COMPANY, LLC  
**ADDRESS:** 29 Longfield Drive Neshanic Station NJ 08853-1107  
**DOCKET NO:** P97043PD Performance Guarantee - Cash  
**BLOCK/LOT:** 523.03/13-28 **LOCATION:** 428 Elizabeth Avenue  
**AMOUNT TO BE REFUNDED:** \$81,120.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and is hereby directed to refund the escrow amounts herein.

**Resolution #04-233:** Authorize Issuance of Special Events Permit for Conerly Road PTO for the Great American One Tyme Circus on Friday, June 11, 2004 at 4:30 p.m. and 7:30 p.m.

**WHEREAS,** a request has been received from **Conerly Road PTO** (Ms. Roseann Wagner, 35 Conerly Road, Somerset NJ) for permission to have a Circus on Friday, June 11, 2004 at 4:30 pm and 7:30 pm to be conducted on School Grounds located at 35 Conerly Road; and

**WHEREAS,** the Conerly Road PTO has paid the Permit Fee of \$200.00 required to cover administration/inspection costs associated with the Circus; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Conerly Road School PTO to conduct a Circus on Friday, June 11, 2004, to be conducted School Grounds located at 35 Conerly Road, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and

**BE IT FURTHER RESOLVED** that the Applicant shall be responsible for providing a sufficient number of off-duty Police Officers to the satisfaction of the Chief of Police during the conduct of this event and;

- (1) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said off-duty police protection in accordance with the fee schedule set forth in Ordinance #1417;
- (2) Payment to said off-duty police officer for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;
- (3) Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Chief of Police.

**BE IT FURTHER RESOLVED** that in accordance with Section 97-8 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;
- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

**BE IT FURTHER RESOLVED** that in accordance with **Section 97-7 of the Township Code** the applicant shall furnish evidence that a Public Liability Insurance Policy in an amount not less than five hundred thousand (\$500,000) dollars for one (1) person and one million (\$1,000,000) dollars for any one (1) accident which shall be in force and effect at the time such Circus will be operating.

**Resolution #04-234:** Authorize Release of Performance Guarantee for Eastern Hill, LLC (Pizzo & Pizzo Tract B) – Docket P970575P in the amount of \$362,053.44 (Block 424.12/Lot 2.02 – northeast corner of Cedar Grove Lane & Treptow Road.)

**WHEREAS**, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM:	PERFORMANCE BOND
NAME OF APPLICANT:	EASTERN HILL, LLC (PIZZO & PIZZO TRACT B)
ADDRESS OF APPLICANT:	1065 Route 22 West Bridgewater NJ 08807
NUMBER:	UB1006764
INSURANCE CO./BANK:	Universal Bonding Insurance Company

518 Stuyvesant Avenue Lyndhurst NJ 07071  
 IN THE AMOUNT OF: \$362,053.44

FOR: Site Improvements for Docket No. P97057SP – Block 424.12/Lot 2.02;

**WHEREAS**, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

**WHEREAS**, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant.

**Resolution #04-235:** Set Public Hearing Dates for Ordinance No. 3462 (Planned Adult Community (PAC) and Ordinance No. 3463 (Cedar Grove Lane/Pierce Street zone changes) to June 24, 2004 at 9:00 a.m.

**WHEREAS**, the following Ordinances were introduced and passed on first reading at a Regular Meeting of the Franklin Township Council held on April 27, 2004:

**Ordinance No. 3462:** An Ordinance Amending the Code of the Township of Franklin, County of Somerset, State of New Jersey, More Particularly Chapter 112, by Adding Planned Adult Community (PAC) District.

**Ordinance No. 3463:** An Ordinance Amending the Code of the Township of Franklin, County of Somerset, State of New Jersey, More Particularly Chapter 112, Development, section 112-6B(1), Official Zoning Map

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that further consideration and public hearing for Ordinance Nos. 3462 and 3463 is set for the Regular Meeting of the Township Council to be held on Thursday, June 24, 2004 at 9:00 a.m.

**BE IT FURTHER RESOLVED** that said ordinances be posted and published in accordance with law.

**Resolution #04-236:** Authorize Discharge of Mortgage (Limbachia to Walker) at 40 Edwards Drive, Franklin Park.

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Management Services Mortgage for the premises known as 40 Edward Drive, Block 34.10, Lot 59.01 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

**Resolution #04-237:** Authorize Participation of Franklin Township in the State Development and Redevelopment Plan – Cross-Acceptance Plan.

**WHEREAS**, the State Planning Act of 1985 (N.J.S.A. 52:18A-196 et. seq.) created a State Planning Commission and an Office of Smart growth for the purposes of establishing a cooperative planning process that involves the full participation of state, county an local governments; and

**WHEREAS**, the state Planning Act states that New Jersey needs integrated and coordinated planning in order to conserve its natural resources, to revitalize its urban centers, to provide affordable housing and adequate public facilities at a reasonable cost, to promote equal social and economic opportunity for New Jersey's citizens, and to prevent sprawl and promote the suitable use of land; and

**WHEREAS**, the primary duty and responsibility of the State Planning Commission (SPC) under the State Planning Act is the preparation of a "State Development and Redevelopment Plan"; and

**WHEREAS**, the State Planning Act also provides that the State's municipalities are to have an essential role in the development of the State Plan through their participation in the Cross-Acceptance Process to be conducted under the Act; and

**WHEREAS**, the Cross-Acceptance Process is the primary vehicle under the Act for promoting vertical coordination and integration of state, county and local plans by affording county and municipal governments a full and open opportunity to be involved in reconciling inconsistencies between state and local policies; and

**WHEREAS**, the Board of Chosen Freeholders of the County of Somerset has concluded that it is appropriate and necessary, and in the County's interest to fully participate in the development of the SDRP through the full and active participation of the County government, including in particular its Planning Board and Division of Planning, which is has designated via Resolution to serve as the Cross-Acceptance Negotiation entity for implementing the Cross-Acceptance Process in Somerset County; and

**WHEREAS**, the Township Council of the Township of Franklin has concluded that it is appropriate, necessary and in the municipality's interest to fully participate in the development of the State Plan through the full and active participation of the Municipal government, including in particular its Planning Board and its Department of Planning, in the Cross-Acceptance Process; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin of the County of Somerset as follows:

1. That the Township of Franklin Planning Board is hereby authorized and directed to carry out the Cross-Acceptance Process pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et. seq. and the State Planning Rules, N.J.A.C. 17:32 and any other rules promulgated by the SPC for this purpose;
2. That the Franklin Township Planning Board shall coordinate with the Somerset County Negotiating Entity in their preparation of proposed work plan and schedule for municipal and county Cross-Acceptance and the Somerset County Negotiating Entity shall submit said work plan and schedule to the NJ Office of Smart Growth no later than 45 days after the official release of the Preliminary SDRP by the SPC;
3. That the Franklin Township Department of Planning shall provide staff assistance to the County Negotiation Entity in order to prepare a Cross-Acceptance Report and successfully complete the Cross-Acceptance Process;
4. That all other Franklin Township departments and agencies shall cooperate with the Municipal Planning Board and County Negotiating entity and provide information and furnish such documents as may be required; and

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to all municipal boards, departments and agencies, the Somerset County Board of Chosen Freeholders, the Somerset County Planning Board, the NJ Office of Smart Growth and the state Planning Commission.

**Resolution #04-238:** Authorize Franklin Township to execute an Interlocal Agreement with Somerset County to accept a County/Municipal Cross-Acceptance Grant to offset the cost of Participation in the Cross-Acceptance Process.

**WHEREAS**, the State Planning Act of 1985 (N.J.S.A. 52:18A-196 et. seq.) provides that the State's counties and municipalities are to have an essential role in the development of the State Development and Redevelopment Plan (SDRP) through their participation in the Cross-Acceptance Process; and

**WHEREAS**, the Board of Chosen Freeholders recognizes the importance of participation in this process by Somerset County's municipalities and recognizes that participation requires a substantial commitment of time and resources; and

**WHEREAS**, the Board of Chosen Freeholders desire to aide municipalities by providing financial support to help offset the costs associated with participating in Cross-Acceptance and that said participation will advance smart growth planning throughout the County; and

**WHEREAS**, the Board of Chosen Freeholders has established a FY2004 Municipal Cross-Acceptance Grant Program through which it intends to allocated a total of \$42,000 (\$2,000 per municipality) for the purpose of offsetting a portion of the costs associated with each municipality's participation in the Cross-Acceptance Process; and

**WHEREAS**, Franklin Township has adopted a resolution which Notices Participation of said municipality in the State Development and Redevelopment Plan Cross-Acceptance Process, which is a condition of eligibility for funding in the amount of \$2,000 through FY2004 Municipal Cross-Acceptance Grant Program; and

**BE IT RESOLVED** by the Franklin Township Council of the County of Somerset as follows:

1. That Franklin Township is hereby authorized to execute an interlocal agreement with the County of Somerset to participate in the Somerset County Municipal Cross-Acceptance Challenge Grant Program and receive funding in the amount of \$2,000 to offset the cost of municipal participation in Cross-Acceptance;
2. That Franklin Township is hereby authorized to appoint a Municipal Cross-Acceptance Committee, which is chaired by a member of the Franklin Township Planning Board and also includes at least one elected official and staff/consultant technical resource person;
3. That Franklin Township Planning Board and Municipal Cross-Acceptance Committee agree to complete a Plan Comparison Questionnaire conducted by the County Planning Board, within a specified timeframe that coincides the State Planning Commission's (SPC) Cross-Acceptance schedule and Somerset County's Cross-Acceptance work plan and schedule;
4. That Franklin Township Planning Board and Municipal Cross-Acceptance Committee agree to complete a designated center implementation status report, if applicable, within a specified timeframe that coincides with the SPC's Cross-Acceptance schedule and Somerset County's Cross-Acceptance work plan and schedule;
5. That Franklin Township Planning Board and Municipal Cross-Acceptance Committee agree to review the 2004 preliminary State Plan Policy Map (SPPM), associated SPPM data layers, and the results of the County Planning Board's GIS comparisons and analyses of these maps related to their municipality; and to identify any proposed SPPM changes for submission to the county Planning Board and SPC within a specified

timeframe that coincides with the SPC's Cross-Acceptance schedule and Somerset County's Cross-Acceptance work plan and schedule;

6. That representatives of Franklin Township Planning Board and Municipal Cross-Acceptance Committee agree to participate at the Cross-Acceptance Kick-Off Meeting; one Cross-Acceptance Sub-Area Meeting; and at Cross-Acceptance Negotiation Sessions when changes affecting the municipality are involved.

**BE IT FURTHER RESOLVED** that the Franklin Township Council does authorize and direct the Treasurer of the Township of Franklin to deposit the awarded funds into the appropriate accounts to be available for the purpose of funding municipal Cross-Acceptance efforts.

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the Franklin Township Planning Board, the Somerset County Board of Chosen Freeholders, the Somerset County Planning Board, the NJ Office of Smart Growth and the NJ State Planning Commission.

**Resolution #04-240:** Reject Bids for the Addition and Renovation of the Animal Shelter (flawed low bids and all bids over budget).

**WHEREAS**, notice to bidders for the Addition and Renovations to the Animal Shelter appeared in the Courier News on April 12, 2004 and the Township's website; and

**WHEREAS**, there was one addendum, dated April 26, 2004; and

**WHEREAS**, five (5) bids were received and opened on May 11, 2004; and

**WHEREAS**, the bids were reviewed by the architect who recommends rejecting all the bids because there were flaws in the two low bids and all bids exceeded the engineer's estimate and budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids received on May 11, 2004 for the Addition and Renovation of the Animal Shelter be and they are hereby rejected.

**Resolution #04-241:** Award Extraordinary Unspecifiable Services Contract to Liquid Engineering Corp. in an amount not to exceed \$9,571 for the maintenance and services on Vliet Road Water Tank.

**WHEREAS**, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

**WHEREAS**, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-5(m)) requires that the resolution authorizing the award of contracts for "EXTRAORDINARY UNSPECIFIABLE SERVICES" without competitive bids must be publicly advertised;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, as follows:

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.

- (2) This agreement is awarded without competitive bidding as a "EXTRAORDINARY UNSPECIFIABLE SERVICE" under the provisions of the Local Public Contracts Law.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.

**VENDOR NAME:** Liquid Engineering Corp.  
**ADDRESS:** PO Box 80230  
 Billings, MT 59108  
**CONTRACT AMOUNT:** \$9,571.00  
**SERVICE:** Maintenance and Service on Vliet Road Water Tank.

**Resolution #04-242:** Award Professional Services Agreement to CME Associates for Engineering Services from May 15, 2004 to September 15, 2004 in an amount not to exceed \$40,000.00.

**WHEREAS**, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

**WHEREAS**, the Chief Financial Officer has certified in writing, a copy of which certification is attached hereto, that funds are available; and

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**WHEREAS**, the Municipal Attorney has reviewed the attached certificate of the Chief Financial Officer and is satisfied that said certificate is in proper form; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, as follows:

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (2) These agreements are awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because they are a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.

- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDOR:** CME ASSOCIATES  
**ADDRESS:** 3141 Bordentown Avenue  
 Parlin, NJ 08859  
**SERVICE:** Engineering Services from May 15, 2004 to September 15, 2004  
**CONTRACT AMOUNT:** \$40,000.00

**Resolution #04-243:** Award Rental Contract to Dosch-King Co., Inc. for a hydrostatic chipper and operator from June 21, 2004 to June 25, 2004 in an amount not to exceed \$2,000 per day (total \$10,000.00).

**WHEREAS,** the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

**WHEREAS,** quotations as required by NJSA 40A:11-1 et seq. have been received;

**VENDOR:** Dosch-King Company, Inc.  
 16 Troy Hills Road  
 Whippany, NJ 07981

**ITEMS:** Rental of Hydrostatic Chipper and Operator  
 From June 21, 2004 to June 25, 2004

**COST:** Not to exceed \$2,000 per day – Total \$10,000.00

**WHEREAS,** the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed said certificate and is satisfied that said certificate is in proper form; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute a contract with the above named vendor to purchase the specified items.

**Resolution #04-244:** Amend Contract with Summit Ad Group for design and printing of newsletter (August 2003 to July 2004) in an amount not to exceed \$5,000 and Extend Contract for August 2004 to July 2005 in an amount not to exceed \$28,000.

**WHEREAS,** a notice to bidders for the receipt of bids for the Design and Printing of the Franklin Township Newsletter was published in the Courier News on June 1, 2003 for receipt on July 1, 2003. The notice was also published on the Township website; and

**WHEREAS**, a contract was awarded to Summit Ad Group on August 12, 2003 for a period of one year (August 2003 to July 2004) for the amount of \$28,000.00; and

**WHEREAS**, the original contract (August 2003 to July 2004) of \$28,000 needs to be amended by an amount not to exceed \$6,500 to provide for the 12-page summer newsletter (recreation's extended program and registration for) and the extra cost for the winter 2003 newsletter; and

**WHEREAS**, in accordance with the original specifications and upon mutual agreement between the Township and vendor, said contract can be extended on an annual basis up to a maximum five years; and

**WHEREAS**, the Township is very satisfied with the services received by Summit Ad Group and the vendor is willing to extend the contract at the same contract amount;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County as follows:

1. They hereby authorize the amendment of the original contract (August 2003 to July 2004) the amount of \$6,500 to provide for the 12-page summer newsletter (recreation's extended program and registration for) and the extra cost for the winter 2003 newsletter; and
2. That the resolution adopted on August 12, 2003 awarding competitive bids for the Design and Print of Newsletter for the period August 2003 to July 2004 be extended for the period of August 2004 to July 2005 in an amount not to exceed \$28,000 to:

**Summit Ad Group  
1248 Route 22  
Mountainside, NJ 07092**

3. The Chief Financial Officer has certified hereon that funds are available and the Township Attorney has reviewed the certification and is satisfied that said certification is in proper form;
4. That continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.
5. That the Mayor and Township Clerk be and the same are hereby authorized to enter into a contract with the above listed company.
6. The Township Clerk shall publish notice of the award as required by law.

**Resolution #04-245:** Award Contract for Township Duplicating and Printing Services for a two year period (June 1, 2004 – May 30, 2006) to IBS (all categories except decals) in an amount not to exceed \$65,000 for one year and to Rydin Decal (decals only) in an amount not to exceed \$1,000 per year.

**WHEREAS**, a notice to bidders for the receipt of bids for Duplicating/Printing for all Township Departments was published in the Courier News on April 8, 2004 with one addendum, April 2, 2004 for receipt on May 4, 2004; and

**WHEREAS**, the Chief Financial Officer has certified in writing, hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;

WHEREAS, that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded:

**INNOVATIVE BUSINESS SERVICES, INCORPORATED**

68 Veronica Avenue, Suite 4  
Somerset NJ 08873

Duplicating/Printing (All Categories) Amount not to exceed \$65,000.00 Annually; and

DRI-STRICK DECAL CORP. D/B/A/ RYDIN DECAL  
660 Pond Drive  
WoodDale, IL 60191

Duplicating/Printing (Decals Only) Amount not to exceed \$1,000 Annually,  
and

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed companies.

Resolution #04-246: Award Lease of Township-Owned Land (Memorial Forest – Block 508.2/Lot 48.01 and Scott Farm – Block 74.01/Lot 7) to Middlebush Farms Inc. at \$350.00 per year.

WHEREAS, NJSA 40A:12-14 provides that any county or municipality may lease any real property, capital improvement or personal property not needed for public use as set forth in the resolution or ordinance authorizing the lease, other than county or municipal real property otherwise dedicated or restricted pursuant to law, and except as otherwise provided by law, all such leases shall be made in the manner provided by this section; and

WHEREAS, the notice to bidders for the aforesaid lease was published in the Courier News on April 12, 2004 and April 19, 2004, with one addendum issued on April 16, 2004 and published again in the Courier News on April 26, 2004 as well as on the Township website; and

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded:

MIDDLEBUSH FARMS INC,  
170 South Middlebush Road Somerset, NJ 08873

Lease and Management of Township-Owned Open space for Block 508.2, Lot 48.01 (Memorial Forest) and Block 74.01, Lot 7 (Scott Farm) for \$350 per year.

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a lease with the above listed company.

Resolution #04-247: Award State Contracts for the upgrade to Citrix computer software and servers to include Police Department to Emtec in an amount not to exceed \$21,770 and to Dell Marketing in an amount not to exceed \$21,543.20.

WHEREAS, the Township of Franklin desires to purchase items as follows through State Contract, which items exceed the prevailing bid threshold:

**VENDOR:** Dell Marketing  
 Dept. 0747  
 PO Box 12001  
 Dallas, TX 75312-0747  
 State Contract No. A81247

**ITEMS:** Upgrade to Citrix computer software and servers to include Police Department

**COST:** \$21,543.20

**VENDOR:** Emtec  
 572 Whitehead Road  
 Trenton, NJ 08619  
 State Contract No. A81212

**ITEMS:** Upgrade to Citrix computer software and servers to include Police Department

**COST:** \$21,770.00

**WHEREAS**, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute a contract with the above named vendors to purchase the specified items under State Contract.

**Resolution #04-248:** Amend Professional Services Agreement with CME Associates for Franklin Blvd. Sidewalks Design and Engineering and authorize Change Order #1 in an amount not to exceed \$699.00.

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on April 9, 2002, authorized the awarding of a professional services contract to

**CME ASSOCIATES**  
**3141 BORDENTOWN AVENUE**  
**PARLIN, NJ 08859**

**An amount not to exceed \$11,560.00; and**

**WHEREAS**, during the course of the contract, the cost for design exceed the contract amount by \$699.00, resulting in the need to amend and increase the contract as follows:

**CHANGE ORDER NO. 1:**

Franklin Blvd. Sidewalks design and Engineering	\$699.00
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**WHEREAS**, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby amend the original contract and authorize the issuance of Change Order N. 1 to the contract with CME Associates.; and

**BE IT FURTHER RESOLVED** that the Township Manager be and he is authorized to sign said Change Order on behalf of the Township.

**Resolution #04-249:** Award Extraordinary Unspecifiable Services Contract with Loos Consulting for Open Space Consulting Services from July 1, 2004 to June 30, 2005 at a rate of \$105 per hour, not to exceed \$50,000.

**WHEREAS**, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

**WHEREAS**, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**WHEREAS**, the Local Public Contracts Law (**N.J.S.A. 40A:11-5(m)**) requires that the resolution authorizing the award of contracts for "EXTRAORDINARY UNSPECIFIABLE SERVICES" without competitive bids must be publicly advertised;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, as follows:

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "EXTRAORDINARY UNSPECIFIABLE SERVICE" under the provisions of the Local Public Contracts Law.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.

<b>VENDOR NAME:</b>	<b>Loos Consulting</b>
<b>ADDRESS:</b>	<b>39 Fisher Drive</b>
	<b>Franklin Park, NJ 08823</b>
<b>CONTRACT AMOUNT:</b>	<b>\$50,000.00</b>
<b>SERVICE:</b>	<b>Open Space Consulting Services</b>

**Resolution #04-250:** Award Contract for Rescue Squad Services from July 1, 2004 to June 30, 2005 to Rural/Metro Ambulance. (Option A – Somerset/South Bound Brook - \$0 for 1<sup>st</sup> ambulance with option of \$2,000 per month for 2<sup>nd</sup> ambulance).

**WHEREAS**, a notice to bidders for the receipt of bids for Rescue Squad Services for July 1, 2004 to June 30, 2005 was published in the Courier News on April 12, 2004, with one addendum on May 3, 2004 for receipt on May 11, 2004; and

**WHEREAS**, the Chief Financial Officer has certified in writing, hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded:

**Rural/Metro Ambulance**  
**168 Main Street**  
**South Amboy, NJ 08879**

**For Rescue Squad Services, July 1, 2004 to June 30, 2005**

**Option A: Somerset/South Bound Brook**  
**\$0.00 for 1 ambulance; \$2,000 per month for a 2<sup>nd</sup> ambulance**  
**Hourly rate for standby services at special events: \$150.00; and**

**BE IT FURTHER RESOLVED** that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed companies.

**Resolution #04-251:** Award Contract for Janitorial Services from July 1, 2004 to June 30, 2005 to Twice as Clean Maintenance LLC in the amount of \$40,000 (\$33,900 for standard contract and \$6,100 for hourly services as needed.)

**WHEREAS**, a notice to bidders for the receipt of bids for Janitorial Services for Public Safety Building, DPW Building and Community/Senior Citizen Center was published in the Courier News on April 8, 2004 for receipt on May 11, 2004; and

**WHEREAS**, the Chief Financial Officer has certified in writing, hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded:

**TWICE AS CLEAN MAINTENANCE LLC**  
**PO Box 8623**  
**Somerville, NJ 08876**

**Total amount not to exceed \$40,000.00**

**BE IT FURTHER RESOLVED** that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed company.

**Resolution #04-252:** Approval of NJDEP Green Acres Grant Agreement Amendment and Township Registered Open Space Inventory (Amendment increases Planning Incentive Grant by \$600,000 – Township’s 2004 allocation.)

**WHEREAS**, the New Jersey Department of Environmental Program, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Township of Franklin desires to further the public interest by obtaining a grant of \$2,250,000 from the State to fund the following project(s): Planning Incentive Grant;

**NOW, THEREFORE**, the Township Council of the Township of Franklin resolves that Brian D. Levine, Mayor or the successor of the office of Mayor is hereby authorized to:

- a) Make application for such a loan and/or such a grant
- b) Provide additional application information and furnish such documents as may be required
- c) Act as the authorized correspondent of the above named applicant, and

**WHEREAS**, the state shall determine if the application is complete and in conformance with the scope and intent of the green Acres Program, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

**NOW, THEREFORE, BE IT RESOLVED** by the Franklin Township Council

- (1) That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Planning Incentive Grant; and
- (2) That the applicant has its matching share of the project, if match is required, in the amount of \$2,250,000;
- (3) That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and
- (4) That applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project.
- (5) That this resolution shall take effect immediately.

**Resolution #04-253:** Approval of Reimbursement Agreement with the NJ Department of Agriculture Bureau of Child Nutrition Program Summer food Service Program in the amount of \$3,366.98.

**BE IT AND IT IS HEREBY RESOLVED** That the Township Council of the Township of Franklin, County of Franklin, County of Somerset, State of New Jersey, does hereby authorize the submission of the following reimbursement agreement and does authorize the appropriate Township Officials to execute said grant on its behalf:

**New Jersey Department of Agriculture Summer Food Service Program for the Naaman Williams Park and Edgemere Day Camp site in the amount of \$3,366.98**

**Resolution #04-254:** Authorize Chapter 159 Budget Insertion - NJ Department of Agriculture Bureau of Child Nutrition Program Summer food Service Program in the amount of \$3,366.98.

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$3,366.98 with \$0 match for NJ DEPARTMENT AGRICULTURE BUREAU OF CHILD NUTRITION PROGRAM and wishes to amend its 2004 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2004 in the sum of \$3,366.98 which is now available as revenue from:

**NJ DEPARTMENT OF AGRICULTURE BUREAU OF CHILD NUTRITION PROGRAM  
SUMMER FOOD SERVICE PROGRAM**

**BE IT FURTHER RESOLVED** that a like sum of \$3,366.98, for NJ DEPARTMENT AGRICULTURE BUREAU OF CHILD NUTRITION PROGRAM be and the same is hereby appropriated under the caption of:

**NJ DEPARTMENT OF AGRICULTURE BUREAU OF CHILD NUTRITION PROGRAM  
SUMMER FOOD SERVICE PROGRAM**

**BE IT FURTHER RESOLVED** that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

**Resolution #04-255:** Authorize Grant Application – Somerset County Youth Athletic Grant - \$15,000 to be used for infield mix for ballfields in seven of the Township's parks.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset Youth Athletic Grant Program to apply for funds for the following:

1. Infield Mix for seven (7) Township ballfields - \$15,000.00.

and does authorize the appropriate Township officials to execute these grant applications on its behalf

**Resolution #04-256:** Authorize Grant Application – Somerset County Youth Service Commission Annual Grant which would provide \$1,000 for the Edgemere Enlightenment Center; \$1,000 for the ARISE Program and \$2,000 for Youth Connections at SGS.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset Youth Service Commission Annual Grant Program to apply for funds for the following:

1. \$1,000 for the Edgemere Enlightenment Center
2. \$1,000 for the ARISE Program
3. \$2,000 for Youth Connections at SGS

and does authorize the appropriate Township officials to execute these grant applications on its behalf.

**Resolution #04-257:** Authorize Grant Application – Somerset County Youth Service Commission New Initiatives Grant which would provide \$3,000 for the Franklin Township Youth Council, \$1,000 for the SGS Men to Boys Program and \$1,000 for the SGS Women to Girls Program.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset Youth Service Commission New Initiative Grant Program to apply for funds for the following:

1. \$3,000 for the Franklin Township Youth Council
2. \$1,000 for the SGS Men to Boys Program
3. \$1,000 for the SGS Women to Girls Program

and does authorize the appropriate Township officials to execute these grant applications on its behalf.

**Resolution #04-258:** Affirm Township Council's position that the placement of a 122 foot wireless telecommunications facility at 3391 Route #27 – Block 20.02, Lot 14.01 (Stop and Shop) is not appropriate and call for alternate sites to be considered.

**WHEREAS**, Omnipoint Communications, Docket #ZBA 2002-0727 has applied for a Use Variance and Site Plan to allow construction of a wireless telecommunications facility consisting of a 122 foot (122') new monopole and cabinets of equipment located at 3391 Route #27, Block 20.02, Lot 14.01 in the neighborhood business zone; and

**WHEREAS**, Franklin Township Code Section 112-9B-25 (e) (3) states that the Township Council does not recommend Township Owned Sites in residential zones or areas; historic districts; along the D&R Canal and on conservation or open space tracts;

**WHEREAS**, there are other sites outside of residential areas that should be investigated; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey believes the location of the proposed Omnipoint Communications wireless telecommunications facility at 3391 Route #27, Block 20.02, Lot 14.01 in the neighborhood business zone is inappropriate and alternate sites outside of residential areas should be considered as per Township Code Section 112-9-25.

**Resolution #04-259:** Authorize Budget Transfers

**BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey, that the following transfers be made from the Fiscal Year 2004 Municipal Budget Appropriations:

<u>DEPARTMENT</u>	<u>FROM</u>	<u>TO</u>
Salary Adjustment	\$ 4,741.96	
Purchasing & General Services S&W		\$ 4,741.96
Engineering S&W	\$20,000.00	
Professional Services		\$20,000.00

**Resolution #04-260:** Authorize Issuance of Special Events Permit to St. Sharbel Maronite Church for festival from June 25, 2004 to June 27, 2004.

**WHEREAS**, a request has been received from St. Sharbel Maronite Church for permission to have a **FESTIVAL** on:

<b>Friday,</b>	<b>June 25</b>	<b>6:00 pm to 10:00 pm</b>
<b>Saturday,</b>	<b>June 26</b>	<b>12:00 Noon to 11:00 pm</b>
<b>Sunday,</b>	<b>June 27</b>	<b>12:00 Noon to 10:00 pm</b>

**to be conducted on Church Grounds located at 526 Easton Avenue;**

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to the Saint Sharbel Maronite Church to conduct a **FESTIVAL** on the date and times set forth above, to be conducted on Church Grounds at 526 Easton Avenue, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and

**BE IT FURTHER RESOLVED** that the Applicant shall be responsible for providing a sufficient number of off-duty Police Officers to the satisfaction of the Chief of Police during the conduct of this event; and

- (1) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said off-duty police protection in accordance with the fee schedule set forth in Ordinance #1417;
- (2) Payment to said off-duty police officer for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;
- (3) Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Chief of Police.

**BE IT FURTHER RESOLVED** that in accordance with **Section 97-6 of the Township Code** that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that

the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;

- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

**BE IT FURTHER RESOLVED** that the conduct of this special event requires the **closing of Reeve Street**, a public roadway of the Township of Franklin, and said closing is subject to the following conditions:

- (1) Said public roadway shall be closed to traffic between the hours when the Event commences and the time the event will be totally finished;
- (2) The closing of said public roadway in conjunction with said Event shall be accomplished in a manner whereby access by emergency vehicles is easily maintained at all times;
- (3) The Applicant shall notify all persons and businesses affected by said road closing. Said notice shall be in writing and served upon the person/business in person or by certified mail at least ten (10) days prior to the event. Affidavit of Service to said affected persons/ businesses shall be prepared by the Applicant and filed with the Township Clerk at least five (5) days prior to the event;
- (4) Applicant shall provide an Insurance Policy to cover the Event and the closing of the aforesaid public roadway in conjunction therewith in the amount of \$1,000,000. Said policy shall name the Township of Franklin as additionally insured and a Certification of same shall be filed with the Township Clerk at least five (5) day prior to the event.

**Resolution #04-261:** Amend 2004 Meeting Schedule to change time of Combination Agenda/Regular Meeting of Thursday, June 24, 2004 from 8AM to 9AM.

**WHEREAS**, as per the **Open Public Meeting Act (P.L. 1975, Chapter 231) of the Laws of the State of New Jersey, Section 13** thereof, the Township Council of the Township of Franklin adopted a resolution providing notice of the annual meeting schedule for 2004 at its Reorganization Meeting held on January 1, 2004 amended its meeting schedule on January 13, 2004, February 10, 2004 and March 23, 2004; and

**WHEREAS**, it has become necessary to amend the annual meeting schedule for 2004 as follows:

**Change:** Combined Agenda/Regular Meeting June 24 (Thurs) @ 8:00 a.m. to  
Combined Agenda/Regular Meeting June 13 (Thurs) @ 9:00 a.m.

**NOW, THEREFORE, BE IT RES OLVED** on this **25<sup>th</sup> day of May, 2004**, by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the meeting schedule is hereby amended as follows for the period January 7, 2004 to January 25, 2005 and shall be held at 475 DeMott Lane on the following dates and times:

**Change:** Combined Agenda/Regular Meeting June 24 (Thurs) @ 8:00 a.m. to  
Combined Agenda/Regular Meeting June 13 (Thurs) @ 9:00 a.m.

## RESOLUTION

Upon motion by Mr. Sumter, seconded by Ms. Eberle, the following resolution was adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Danile	Unger		Chivukula
Eberle	Levine			Regan
McKenzie	Sumter			

**Resolution #04-239:** Acceptance of Developers Agreement with Cal-Sterling Franklin LLC (Sterling Pointe) at Block 507, Lot 27 – Cedar Grove Lane/Weston Road.

**WHEREAS**, Cal-Sterling Franklin, LLC is the developer of the Property, which was the subject of an application before the Planning Board of the Township of Franklin (hereinafter the "Planning Board") for Preliminary and Final Major Subdivision Approval with Sign Variance Relief to create a development tentatively entitled "Sterling Pointe", bearing Docket Nods.: PLN 2003-0008, PLN 2003-0009, PLN 2003-0010 and PLN 2003-0011 (collectively referred to as the "Application"), comprising one hundred thirty-six (136) single family homes, twenty-nine (29) townhouse units, seventy-two (72) apartment units, a clubhouse/central recreation and three (3) lots for open space, said dwellings to be used for age restricted senior housing on the Property (collectively referred to hereinafter as the "Development"); and

**WHEREAS**, the Developer is the owner of the Property known as: Block 507, Lots 27; and

**WHEREAS**, the Planning Board granted Preliminary and Final Major subdivision Approval with Sign Variance Relief to the Developer as reflected on a map entitled "Preliminary and Final Major Subdivision and Site Plan for Sterling Pointe" Block 507, Lot 27, Township of Franklin, Somerset County, New Jersey" prepared by Stanley T. Omland, P.E., License No. 30696, Omland Engineering Associates, 54 Horsehill Road, Cedar Knolls, New Jersey 07927, dated December 6, 2002 and revised through October 22, 2003 (hereinafter collectively referred to as "the Map") and pursuant to Architectural Plans prepared by Feinberg Associates, P.C.; and

**WHEREAS**, the Planning Board of the Township of Franklin has reviewed various maps and presentations of the Developer and granted approval subject to compliance by the Developer with certain terms and conditions set forth in Resolution of the Planning Board granting Preliminary Major Subdivision Approval with Sign Variance Relief dated December 3, 2003 (the "Resolution"), attached hereto as Exhibit "A" and made a part hereof; and

**WHEREAS**, for a portion of the guarantee for the dedication of open space and off-tract improvements including, but not limited to, improvements to Weston Road, installation of a 12 foot wide bikeway along Cedar Grove Lane frontage; dedication of open space to the Township, the addition of a separate lot to be used for the townhouse units, payment of off-tract road improvements contribution to be calculated in accordance to the Abbington Ney Area Traffic Study, dedication of improved parkland or a cash contribution in lieu thereof to the Township and payment of affordable housing fees pursuant to the regulations established in Section 112-32.02 of the Development Ordinance of the Township, the Developer and the Township have agreed to enter into this Agreement; and

**WHEREAS**, the approved Preliminary and Final Major Subdivision plan calls for certain off-tract improvements and dedication of open space and the Developer has agreed to construct these improvements and dedicate such lands shown on the Map and records before the Planning Board of the Township of Franklin, all of which are made a part of said Agreement by reference hereto as though fully set forth at length herein;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf a Developers Agreement with Cal-Sterling Franklin LLC permitting Cal-Sterling Franklin, LLC to create a Homeowners Association for the purpose of Off Tract Improvements; Parkland Dedication, Road Alignment and Improvements and setting forth the obligations of all property owners within the development to become parties to the Homeowners Association, language to be placed in the deeds for said properties and recourse for the Township of Franklin for failure to abide by said Developers Agreement by future owners of the subject properties within the development.

#### **ADJOURNMENT**

Deputy Mayor McKenzie moved to adjourn the meeting at 9:56 p.m. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

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Brian D. Levine, Mayor

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Ann Marie McCarthy, Township Clerk

Approved:

Date: